THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.3826 OF 2006

Date: 14-03-2006

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Between:

M/s Sri Kanaka Durga Agencies …Petitioner

And

The Commercial Tax Officer …Respondent

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.3826 OF 2006

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

The petitioner submits that stay application was filed by him, which has been rejected by order dated 04-03-2006. Copy of the order has been placed on record. In this view of the matter, after hearing learned counsel for the parties and with their cosent, the writ petition is being disposed of at this stage.

Pending appeal, application for stay filed by the petitioner was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the authority and direct that 50 per cent of the disputed tax shall be paid by the petitioner, on or before 31st March, 2006. Till 31st March, 2006, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within the time as stipulated above. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount already paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

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(Bilal Nazki, J)

14th March, 2006

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(G.Chandraiah, J)

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Note:Issue wire at party's cost

(b/o)

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